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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,037	05/10/2001	Benjamin D. Kimbell	10007412-1	8167

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EXAMINER

LEWIS, ADAM M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 05/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/854,037

Applicant(s)

KIMBELL ET AL.

Examiner

Adam M. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-20 are pending in this application. Claims 1, 12, 13, and 19 are independent claims. In Amendment A, claims 19 and 20 were added.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-6, 8-15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. ("Bullock," US# 5,675,358).

As per independent claim 1, Bullock teaches a method for viewing images via an information handling system utilizing a graphical user interface having a desktop, the method comprising:

displaying a plurality of images (Bullock, Figs. 4-18);  
arranging said plurality of images into a picture stack comprising a top and bottom (Bullock, Figs. 11-18; col. 7, lines 59-67); and  
placing said picture stack directly on the desktop of the graphical user interface, wherein said top image of said picture stack is displayed (Bullock, Fig. 15; col. 8, lines 8- 21).

Independent claim 13 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As per claim 2, which is dependent on claim 1, the method of claim 1, wherein said plurality of images are photographic images (Bullock, col. 5, lines 43-46).

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As per claim 3, which is dependent on claim 1, Bullock teaches the method of claim 1, wherein said placing comprises offsetting said plurality of images from one another (Bullock, Figures 11-18).

As per claim 4, which is dependent on claim 1, Bullock teaches the method of claim 1, wherein said plurality of images are substantially the same size as one another (Bullock, Figures 11-18).

As per claim 5, which is dependent on claim 1, Bullock teaches the method of claim 1, further comprising:

receiving a mousedown event within the picture stack (Bullock, col. 8, lines 8-16);  
and

responding to said mousedown event (Bullock, col. 8, lines 8-16).

Dependent claim 14 is similar in scope to claim 5, and is therefore rejected under similar rationale.

As per claim 6, which is dependent on claim 5, Bullock teaches the method of claim 5, wherein a second image is positioned behind said top image; and

wherein said responding comprises:

moving said top image to said bottom of said picture stack (Bullock, col. 8, lines 8-16); and

moving said second image to said top of said picture stack (Bullock, col. 8, lines 8-16).

Dependent claim 15 is similar in scope to claim 6, and is therefore rejected under similar rationale.

As per claim 8, which is dependent on claim 1, Bullock teaches the method of claim 1, further comprising displaying on the desktop at least one control separate from said picture stack (Bullock, Figs. 4-18; col. 5, lines 9-12).

Dependent claim 17 is similar in scope to claim 8, and is therefore rejected under similar rationale.

As per claim 9, which is dependent on claim 8, Bullock teaches the method of claim 8, wherein said displaying comprises displaying a toolbar (Bullock, Figs. 4-18).

The Microsoft Computer Dictionary defines a toolbar as a row, column, or block of on-screen buttons or icons in an application in a graphical user interface.

As per claim 10, which is dependent on claim 8, Bullock teaches the method of claim 8, further comprising receiving the selection of a control on is said toolbar (Bullock, Figs. 4-18; col. 5, lines 9-12).

Dependent claim 18 is similar in scope to claim 10, and is therefore rejected under similar rationale.

As per claim 11, which is dependent on claim 1, Bullock teaches the method of claim 1, wherein at least one of said plurality of images comprises a border (Bullock, Figs. 11-18).

As per independent claim 12, Bullock teaches a method for viewing images via an information handling system utilizing a graphical user interface having a desktop, the method comprising:

displaying a plurality of images (Bullock, Figs. 4-18);

arranging said plurality of images into a picture stack comprising a top and bottom, at least one of said images comprising a border, wherein a second image is positioned behind said top image (Bullock, Figs. 11-18); and

placing said picture stack directly on the desktop of the graphical user interface, wherein said top image of said picture stack is displayed (Bullock, Fig. 20; col. 8, lines 8-16);

receiving a mousedown event within the picture stack (Bullock, col. 8, lines 8-16);

moving said top image to said bottom of said picture stack (Bullock, col. 8, lines 8-16); and

moving said second image to said top of said picture stack (Bullock, col. 8, lines 8-16).

As per independent claim 19, Bullock teaches an information handling system comprising:

a data storage unit capable of storing pictorial images as image files (Bullock, col. 3, lines 46-48);

an interface connectable to a digital camera for acquiring photographic pictorial images (Bullock, Fig. 2; col. 3, lines 54-57); and

a controller coupled to the data storage unit and the interface, and connectable to a display device, the controller being programmed with a set of instructions that controls a graphical user interface for receiving commands, orders a plurality of pictorial images in a stack from top to bottom according to the received commands, and displays the stack on the display device in a three-dimensional representation whereby underlying

pictorial images on the stack are at least partly obscured by overlying pictorial images (Bullock, Figs. 11-18; col. 6, lines 42-50).

***Claim Rejections - 35 USC § 103***

4. Claims 7, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock in view of Edmunds et al. ("Edmunds," US# 5,592,602).

As per claim 7, which is dependent on claim 1, Bullock fails to teach the method of claim 1, wherein audio data is associated with said top image, further comprising playing said audio data when said top image is displayed. Edmunds, however, teaches using cue controls to play audio when specific graphical objects are displayed (Edmunds, col. 7, lines 34-36).

Therefore it would have been obvious to one skilled in the art at the time of invention to include the graphically linked audio cues of Edmunds in the invention of Bullock because it would provide for increased ease of use and speed of application of a variety of multimedia effects (Edmunds, col. 3, lines 65-68 and col. 4, lines 1-2).

Dependent claim 16 is similar in scope to claim 7, and is therefore rejected under similar rationale.

As per claim 20, which is dependent on claim 19, Bullock fails to teach the information handling system according to claim 19, further comprising:

a set of instructions executable on the controller that acquires a photographic pictorial image and associated audio data from a digital camera with audio capability connected to the information handling system, and automatically plays the associated

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audio data when the photographic pictorial image is displayed. Edmunds, however, teaches using cue controls to play audio when specific graphical objects are displayed (Edmunds, col. 7, lines 34-36).

Therefore it would have been obvious to one skilled in the art at the time of invention to include the graphically linked audio cues of Edmunds in the invention of Bullock because it would provide for increased ease of use and speed of application of a variety of multimedia effects (Edmunds, col. 3, lines 65-68 and col. 4, lines 1-2).

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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